Plan Commission Meeting Minutes
Monday, August 14, 2023 at 6:00 pm
Hybrid Meeting

**Members Present**: Mayor Swadley, Chair; Brett Schumacher; Phil Caravello, Vice-Chair; Tom Majewski; Dorann Bradford; Tom Robinson and Al Farrow

**Members Absent:** None

**Staff**: Zoning Administrator, Michael Stacey

**Guests**: Justin Hanson; Dustin Oler; Dean Slaby; Dan Hanson; Jodi Hanson; Daniele St. Marie Thompson; Gary Becker; Katrina Becker; Kirt Andersen; Konner Kearney; Connor Nett; Ingrid McMasters; Attorney Matt Dregne; Tricia Suess; Tyler Denig; Alan Kirchoff; Robert Wahlin; Eric Quam; David Ferris; Amber Cedarstrom; Glenn Prescott and Joe Herr.

1. **Call to Order.** Mayor Swadley called the meeting to order at 6:00 pm.
2. **Roll call and verification of quorum.** Mayor Swadley verified a quorum is present.
3. **Certification and compliance with open meetings law.** Mayor Swadley certified compliance with open meetings law.
4. **Plan Commission meeting minutes of July 10, 2023.**

Motion by **Caravello** to approve the minutes as presented, 2nd by **Bradford**. Motion carried unanimously.

1. **Council Representative Report.**

Caravello stated the Common Council approved R-119, R-120 and R-121 on July 25th and O-23 and O-25 on August 8th.

1. **Status of Current Developments.**

Stacey introduced the status of developments as outlined in the packet of materials. There were no questions.

1. **TID No. 6 – Project Plan & Territory Amendment.**

David Ferris gave an overview of the project plan including next steps in the process. A public hearing is planned for the September 11th Plan Commission meeting.

1. **Rezoning of Certified Survey Map, Lots 1, 2, 3 and Outlot 1 in the southeast corner of US Highway 51 and County Highway B.**

Mayor Swadley introduced the rezoning request. Stacey noted the CSM will be reviewed at the September 11th Plan Commission meeting.

Daniele St. Marie Thompson stated they will be prepared to discuss further next month when the CSM is on the agenda.

Mayor Swadley opened the public hearing.

No one registered to speak.

Mayor Swadley closed the public hearing.

Motion by **Bradford** to recommend Common Council approval of the rezoning as presented, 2nd by **Schumacher**. Motion carried unanimously.

1. **Planned Development – General Development Plan for 211 S. Water Street.**

Mayor Swadley introduced the rezoning request. Stacey explained the intent for the Planned Development zoning is to provide flexibility from the Central Business zoning code requirement to first have commercial space in the first 24 feet of building depth on the main floor prior to having residential apartments as an accessory use.

Justin Hanson explained the intent of the requested zoning change.

Dustin Oler explained where they are at in discussions related to leasing parking spaces from the City.

Mayor Swadley gave an overview of parking options and discussions he has had with City Staff and the applicants.

Mayor Swadley opened the public hearing.

Ingrid McMasters spoke with concern about parking and density but is in favor of fixing up the building and affordable housing.

Amber Cedarstrom spoke in support of the project.

Joe Herr spoke in support of the project and explained how the project would move forward.

Mayor Swadley closed the public hearing.

Caravello asked for details about providing bike racks. Dustin Oler stated he had no details for the bike racks yet and will discuss later. Mayor Swadley stated this will be covered when the specific implementation plan is reviewed.

Bradford questioned if the City can legally lease parking stalls to some people but not others. Mayor Swadley stated he had planned on focusing leasing spaces at the north and south municipal lots. Attorney Dregne stated legally the City can lease stalls on a case by case basis, though people could point to whether that is fair or appropriate.

Motion by **Robinson** to recommend Common Council approval of the Planned Development - General Development Plan as presented, 2nd **Farrow**. Motion carried unanimously.

1. **Rezoning of 2605 Cromwell Court and the rear portion of 2500 Jackson Street to MR-24 Multi-Family Residential**.

Connor Nett gave an overview of the request.

Mayor Swadley opened the public hearing.

No one registered to speak.

Mayor Swadley closed the public hearing.

Stacey explained the applicants have heard the Commission and Council and came back with a straight zoning request with a reduction in density and a site plan that will meet all zoning requirements. A conditional use request will follow to allow more than one principal structure on a lot and for more than 12 apartments per building.

Attorney Dregne had questions about how the park dedication will be addressed prior to approval of the rezoning and suggested having an agreement for how that would be handled. Stacey stated there is language in the ordinance that addresses parkland prior to the ordinance being effective.

Attorney Dregne questioned how the change from Planned Business zoning to Multi-Family zoning would be handled when it goes against the Comprehensive Plan. Stacey stated there is language in the Comprehensive Plan that gives the Plan Commission flexibility to rezone the property to multi-family since it is adjacent to existing multi-family zoning. Stacey will provide language to Attorney Dregne.

Attorney Dregne questioned the legal description that states a piece of the property is being rezoned from Planned Business to Planned Business. Connor Nett stated that is just the portion of lot 15 where the zoning is not changing rather remaining Planned Business for the TRU Hotel site.

There was a discussion about the timing of parkland. Konner Kearney explained the need for flexibility for fees in lieu of parkland in case they are not able to acquire the land.

Attorney Dregne stated the Plan Commission can provide a recommendation to the Council for the rezoning while Stacey can work with Attorney Rick Manthe on the parkland language in the ordinance.

Motion by **Schumacher** to recommend Common Council approval of the rezoning as presented, 2nd by **Bradford**. Motion carried unanimously.

1. **Conditional use permit for 2605 Cromwell Court to allow multiple principal buildings on a lot.**

Attorney Dregne gave an overview of the conditional use legal requirements and recommended any approval be contingent on the rezoning.

Mayor Swadley opened the public hearing.

No one registered to speak.

Mayor Swadley closed the public hearing.

Stacey noted the proposed conditional uses are for more than one principal structure on the lot and for more than 12 residential units per building.

Motion by **Farrow** to recommend Common Council approval of the Conditional Use as presented, 2nd by **Schumacher**. Motion carried 5 – 2 (Majewski and Caravello voted no)

1. **Specific Implementation Plan for Champion Xpress Car Wash at 2400 State Highway 138**.

Kirt Anderson of Priority Engineering gave an overview of the Champion Xpress Company and the specific implementation plan.

Stacey explained the previously approved General Development Plan allows drive-thru establishments as a permitted use outright, so no conditional use process is necessary. The site meets all zoning requirements.

Kirt Anderson stated they will likely start construction in 2024.

Schumacher questioned saturation in the market for car washes. Kirt Anderson stated they have done their homework and this is a different type of car wash with a yearly card option.

Caravello questioned how stacking of vehicles and backups would be handled. Kirt Anderson stated there will be staff on hand to speed up the washes if necessary.

Motion by **Majewski** to approve the site plan as presented, 2nd by **Schumacher**. Motion carried unanimously.

1. **Extra-territorial jurisdictional land division at 2355 Leslie Road – Town of Dunkirk**.

Stacey explained the request is to separate the agricultural land from the buildings and the site is located at the outer limits of the City’s extra-territorial jurisdiction.

Motion by **Caravello** to recommend Common Council approval of the ETJ Land Division as presented, 2nd by **Bradford**. Motion carried unanimously.

1. **Future agenda items.**

STI CSM.

Final plat for Lots 1, 3 and 4 at 51 West Subdivision.

Preliminary condominium plat for Lot 6 at 51 West Subdivision.

Final condominium plat for 839-981 N. Page Street.

1. **Adjournment.**Motion by **Caravello** to adjourn at 7:35 pm, 2nd by **Schumacher**. Motion carried unanimously.

Respectfully Submitted,

Michael Stacey